

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

556I0285

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1061 - 01/24/2003

Introduced by: Representatives Hennies, Madsen, and McCaulley and Senators Vitter, Abdallah, Albers, Duniphan, Reedy, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to provide for the crime of bestiality and to prescribe certain
2 penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may:

7 (1) Engage in a sexual act with an animal for the purpose of that person's sexual
8 gratification;

9 (2) Coerce any other person to engage in a sexual act with an animal;

10 (3) Engage in a sexual act with an animal in the presence of a minor;

11 (4) Use any part of the person's body or an object to sexually stimulate an animal;

12 (5) Videotape a person engaging in a sexual act with an animal; or

13 (6) Kill or physically abuse an animal for the purpose of that person's sexual gratification.

14 Any person who violates any provision of this section is guilty of the crime of bestiality.

15 Bestiality is a Class 6 felony. However, if any person has been previously convicted of a sex



crime pursuant to § 22-22-30, any subsequent violation of this section is a Class 5 felony.

Section 2. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of section 1 of this Act, the term, sexual act with an animal, means any act between a person and an animal involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other. A sexual act with an animal may be proved without evidence of penetration.

Section 3. That chapter 22-22 be amended by adding thereto a NEW SECTION to read as follows:

The provisions of section 1 of this Act do not apply to or prohibit normal, ordinary, or accepted practices involved in animal husbandry, artificial insemination, or veterinary medicine.

Section 4. That § 22-22-30 be amended to read as follows:

22-22-30. For the purposes of §§ 22-22-31 to 22-22-39, inclusive, a sex crime is any of the following crimes regardless of the date of the commission of the offense or the date of conviction:

- (1) Rape as set forth in § 22-22-1;
- (2) Sexual contact with a minor under sixteen as set forth in § 22-22-7 if committed by an adult and the adult is convicted of a felony;
- (3) Sexual contact with a person incapable of consenting as set forth in § 22-22-7.2 if committed by an adult;
- (4) Incest as set forth in § 22-22-19.1 if committed by an adult;
- (5) Possessing, manufacturing, or distributing child pornography as set forth in § 22-22-24.2;
- (6) Sale of child pornography as set forth in § 22-22-24;

- 1 (7) Sexual exploitation of a minor as set forth in § 22-22-24.3;
- 2 (8) Kidnapping, as set forth in § 22-19-1, if the victim of the criminal act is a minor;
- 3 (9) Promotion of prostitution of a minor as set forth in subdivision 22-23-2 (2);
- 4 (10) Criminal pedophilia as set forth in § 22-22-30.1;
- 5 (11) Felony indecent exposure as set forth in former § 22-24-1 or indecent exposure as set
6 forth in § 22-24-1.2;
- 7 (12) Solicitation of a minor as set forth in § 22-22-24.5;
- 8 (13) Bestiality as set forth in section 1 of this Act;
- 9 (14) An attempt to commit any of the crimes listed in this section;
- 10 ~~(14)~~(15) Any crime committed in a place other than this state which would constitute
11 a sex crime under this section if committed in this state;
- 12 ~~(15)~~(16) Any federal crime or court martial that would constitute a sex crime under
13 federal law; or
- 14 ~~(16)~~(17) Any crime committed in another state if that state also requires that anyone
15 convicted of that crime register as a sex offender in that state.